

HOUSE BILL No. 1285

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-30-1-2.5.

Synopsis: Limit on sex offender as guardian or custodian. Prohibits a juvenile court from permitting a person to serve as a guardian or custodian if the person was convicted as an adult of certain sex offenses that the person committed when the person was less than 18 years of age.

Effective: Upon passage.

Burton

January 15, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1285

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-30-1-2.5, AS ADDED BY P.L.173-2006,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2.5. A juvenile court may not appoint a person
4 to serve as the guardian or custodian of a child **or permit a person to**
5 **continue to serve as a guardian or custodian of a child** if the person
6 is:

7 (1) a sexually violent predator (as described in IC 35-38-1-7.5);

8 **or**

9 (2) a person who was at least eighteen (18) years of age at the
10 time of the offense and who committed child molesting
11 (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9)
12 against a child less than sixteen (16) years of age:

13 (A) by using or threatening the use of deadly force;

14 (B) while armed with a deadly weapon; or

15 (C) that resulted in serious bodily injury; **or**

16 **(3) was less than eighteen (18) years of age at the time of the**
17 **offense but was tried and convicted as an adult of an offense**

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described in:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2;

(C) IC 35-42-4-3 as a Class A or Class B felony;

(D) IC 35-42-4-5(a)(1);

(E) IC 35-42-4-5(a)(2);

(F) IC 35-42-4-5(a)(3);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;

(H) IC 35-42-4-5(b)(2);

(I) IC 35-42-4-5(b)(3) as a Class A or Class B felony;

(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or

(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J).

SECTION 2. [EFFECTIVE UPON PASSAGE] IC 31-30-1-2.5, as amended by this act, applies to proceedings pending on or initiated on or after the effective date of this SECTION.

SECTION 3. An emergency is declared for this act.

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